IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 12087 of 2004

Between:

1 Tetali Krishna Reddy, S/o. Venkata Reddy, Hindu,
R/o. D.No. 6-393, Canal Road, Anaparthi Village & Mandal,
E.G. District.
2 Shakha Bashir Saheb, S/o. Peer Saheb,
R/o. H.No. 6-231, New 6-393, Canal Road, Anaparthi Village & Mandal,
E.G. District.
3 Goliguri Subbayamma, W/o. Venkatrama Reddy, Hindu,
R/o. H.No. 6-233, New 6-394, Canal Road, Anaparthi Village & Mandal,
E.G. District.

..... PETITIONERS

AND

1 The Assistant Engineer, Irrigation Dept., Biccavolu Mandal, East Godavari District.
2 Superintending Engineer, P.W.D. Biccavolu Mandal, East Godavari District.
3 Executive Engineer, P.W.D., Dowalaiswaram, East Godavari District.
4 Mandal Revenue Officer, Anaparthi Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents, their men or any one claiming through them, not to cause demolition of the Petitioners' premises situate on the left berm of Samalkot Canal in Anaparthi Village, East Godavari District limits at M.12/1,2 & M.12/3,4 Left Bank and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.K.GANI REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

-

The petitioners pray for a writ of Mandamus declaring the action of the respondents in causing demolition of the petitioners' houses and other structures on the left berm of Samalkot Canal in Anaparthi Village, East Godavari District limits at M 12/1,2 & M 12/3,4 Left Bank, as arbitrary and illegal.

This Court granted interim orders while admitting the writ petition not to demolish. The respondents have now filed W.V.M.P.No.1051 of 2005. As the similar cases were already dismissed, this matter also was heard.

The learned Assistant Government Pleader placed before this Court a copy of the order dated 11.02.2005 in W.P.No.12737 of 2004 whereby this Court dismissed the similar writ petition filed by other similarly situated persons observing that an injunctive relief to the respondents in respect of the land belonging to the Government cannot be granted and that a writ petition would not lie under Article 226 of the Constitution of India.

Following the same writ petition, this writ petition is also dismissed. There shall be no order as to costs.

_____

(V.V.S.RAO, J)

20.06.2005

vs

To

1 The Assistant Engineer, Irrigation Dept., Biccavolu Mandal, East Godavari District.
2 Superintending Engineer, P.W.D. Biccavolu Mandal, East Godavari District.
3 Executive Engineer, P.W.D., Dowalaiswaram, East Godavari District.
4 Mandal Revenue Officer, Anaparthi Mandal, East Godavari District.

5 Two CCs to the G.P for Irrigation & Comm. Area Dev., High Court of A.P., Hyderabad. (O.U.T)

6 2 CD copies